

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
EASTERN DISTRICT OF TENNESSEE**

IN RE:)	
JACKIE EUGENE BLUE and)	Case No.: 10-34952
LOLITA DEVON BLUE)	Chapter 7
)	
Debtors)	
)	
JACKIE EUGENE BLUE and)	
LOLITA DEVON BLUE)	
)	
Plaintiffs,)	Adv Proc. No.: _____
)	
WELLS FARGO HOME MORTGAGE and)	
WILSON & ASSOCIATES)	
Defendants.)	
)	

COMPLAINT

Come now the Plaintiffs, Jackie and Lolita Blue, and for their cause of action would show unto the Court as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to 28 U.S.C. § 157 and § 1334.
2. This Court has venue over the subject matter of the Complaint pursuant to 28 U.S.C. § 1409.
3. The allegations of the Complaint present core proceedings pursuant to 28 U.S.C. § 157(b)(2), 157(c)(1) and/or (2) and 11 U.S.C. § 105.

STATEMENT OF FACTS

4. The Plaintiffs filed their original Chapter 7 bankruptcy on October 13, 2010. Attached hereto as **Exhibit 1** is the Notice of Filing which is incorporated by reference.

5. Defendant Wells Fargo and Defendant Wilson and Associates were included in the bankruptcy filing. A copy of Schedule D of the bankruptcy petition is attached hereto as **Exhibit 2** and incorporated by reference.
6. A foreclosure sale of plaintiff's property located at 910 Lloyd Street, Morristown, Tennessee, was scheduled for October 14, 2010.
7. Counsel for the debtor/Plaintiffs contacted Wilson & Associates, counsel for Wells Fargo, via facsimile and telephone informing them of the filing of the bankruptcy petition, giving Defendants the debtor's bankruptcy case number. Attached hereto and incorporated by reference as **Exhibit 3** is the Speed Memo counsel for the Plaintiffs sent to Wilson & Associates notifying them of the bankruptcy filing.
8. The Defendant, Wilson & Associates, stated they would stop the foreclosure proceedings scheduled for October 14, 2010.
9. It is hereby alleged that both of the Defendants, Wells Fargo and Wilson & Associates, were aware of the debtor's bankruptcy filing.
10. A Motion for Relief from the automatic stay was never filed by the Defendants.
11. On October 26, 2010, debtor/plaintiffs received a letter from Defendant Wilson and Associates stating that the property located at 910 Lloyd Street, Morristown, Tennessee had been sold in a foreclosure sale. The letter from Defendant Wilson and Associates does not indicate who Wilson and Associates are collecting for or who purchased the property at the foreclosure sale. It is hereby averred by conjecture that the purchaser was Wells Fargo Home Mortgage. A copy of the letter is attached as **Exhibit 4** and is incorporated by reference.

12. The debtor/Plaintiffs hereby assert that the October 26, 2010 letter of intent to collect on the debt and is a violation of 11 U.S.C. § 362(a) and/or contempt of this Court § 105.

WHEREFORE, the Plaintiffs, having set forth their claims for relief against the Defendants, respectfully pray that the Court enter an Order as follows:

1. Summons issue requiring the Defendants to Answer as required by law;
2. That the Plaintiffs have and recover against the Defendants a sum to be determined by the Court in the form of actual damages;
3. That the Plaintiffs have and recover against the Defendants a sum to be determined by the Court in the form of statutory damages;
4. That the Plaintiffs have and recover against the Defendants a sum to be determined by the Court in the form of punitive damages and/or sanctions;
5. That the Plaintiffs have and recover against the Defendants all reasonable legal fees and costs;
6. That this Court order the Defendants to pay additional actual damages and statutory damages in a sum to be determined by the Court for willfully violating the automatic stay.
7. That the Plaintiffs have such other and further relief as the Court may deem just and proper.

THIS IS THE FIRST APPLICATION FOR UNJUNCTIVE RELIEF BY THE PLAINTIFFS.

/s/ JACKIE EUGENE BLUE
/s/ LOLITA DEVON BLUE
Debtors/Plaintiffs

DATED this 15th day of **November, 2010.**

/s/ Richard M. Mayer, # 005534

/s/ Brent S. Snyder, # 021700

Law Offices of MAYER & NEWTON

Attorneys for Debtors/Plaintiffs

1111 Northshore Drive, Suite S-570

Knoxville, Tennessee 37919

(865) 588-5111 Telephone